

**ORAL ARGUMENT NOT YET SCHEDULED****IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**


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 AMERICAN IRON and  
STEEL INSTITUTE, *et al.*,
*Petitioners,*

v.

U.S. ENVIRONMENTAL PROTECTION  
AGENCY, *et al.*,*Respondents*
 No. 20-1354 (consolidated  
with Nos. 20-1355, 24-1170,  
24-1171, and 24-1177)
**JOINT PROPOSED BRIEFING SCHEDULE AND FORMAT**

Pursuant to the Court's February 21, 2025, Order and the parties' March 7, 2025, joint motion to extend the Court's briefing proposal deadline, the Petitioners and Intervenor in these consolidated cases submit the following joint proposed schedule and format for briefing.<sup>1</sup> Should the Court deny Respondents' Motion for Abeyance, Doc. 2104533, Respondents consent to this proposed briefing schedule, but Respondents would maintain default word limits consistent with Fed. R. App. P. 32(a)(7)(B) and allow Respondents to file a single, combined answer brief not to exceed the aggregate word count of the two sets of opening briefs.

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<sup>1</sup> Industry Petitioners/Intervenor submit this proposal in the alternative, i.e., if the Court denies Respondents' abeyance motion.

The parties agree that the briefing schedule should begin 75 days from the resolution of EPA's motion for abeyance.

### **PROPOSED BRIEFING SCHEDULE**

Environmental Petitioners' Opening Brief	75 days from the resolution of EPA's motion for abeyance
Industry Petitioners' Opening Brief	75 days from the resolution of EPA's motion for abeyance
Respondents' Answer Brief	75 days from the deadline for the Opening Briefs
Environmental Intervenors' Answer Brief	30 days from the deadline for Respondents' Answer Brief
Industry Intervenors' Answer Brief	30 days from the deadline for Respondents' Answer Brief
Environmental Petitioners' Reply Brief	45 days from the deadline for Intervenors' Answer Briefs
Industry Petitioners' Reply Brief	45 days from the deadline for Intervenors' Answer Briefs
Joint Appendix	21 days from the deadline for Reply Briefs
Final Briefs	21 days from the deadline for the Joint Appendix

### **PROPOSED BRIEFING FORMAT AND RATIONALE**

The Court's Order of February 21, 2025, provides that, whether aligned or not, the parties must provide detailed justifications for any request to file separate

briefs. Environmental Petitioners<sup>2</sup> and Industry Petitioners<sup>3</sup> respectfully submit that their interests and arguments are directly opposed to each other. Industry Petitioners will argue, for example, that the 2020 Rule improperly set limits for hazardous air pollutants such as mercury, which are also overly restrictive, and overstated the health risks posed by steel mills' emissions. *See, e.g.*, American Iron and Steel Institute's Non-Binding Statement of Issues, ECF No. 2093443. In sharp contrast, Environmental Petitioners contend the Clean Air Act requires the standards to be more stringent. With respect to the 2020 Rule, for example, Environmental Petitioners will argue that EPA underestimated steel mills' toxic emissions, understated the risks posed by these emissions, and failed to provide an ample margin of safety as required by Clean Air Act § 112(f)(2). Environmental Petitioners' Non-Binding Statement of Issues, ECF No. 2093421. For these reasons, it would be impracticable for Environmental Petitioners and Industry Petitioners to share a brief. Therefore, Environmental Petitioners and Industry Petitioners respectfully request that the Court permit them to file separate briefs of equal length. All parties agree that the word count for Respondents' combined

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<sup>2</sup> Environmental Petitioners in these consolidated cases are Clean Air Council, Gary Advocates for Responsible Development, Hoosier Environmental Council, and Sierra Club.

<sup>3</sup> Industry Petitioners in these consolidated cases are United States Steel Corp., American Iron and Steel Institute, and Cleveland-Cliffs, Inc.

Answer Brief should be equal to the aggregate word count of Environmental Petitioners' Opening Brief and Industry Petitioners' Opening Brief.

Attached as Appendices to this motion are the parties' detailed rationales justifying their specific briefing word limit requests.

DATED: March 14, 2025

Respectfully submitted,

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*Northwest Indiana, NAACP LaPorte  
County Branch 3061, and Sierra Club*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14th day of March, 2025, I have served the foregoing **Joint Proposed Briefing Schedule and Format** on all registered counsel through the court's electronic filing system (ECF).

/s/ Adrienne Y. Lee  
Adrienne Y. Lee

**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT**

Counsel hereby certifies that the foregoing document contains 545 words, as counted by counsel's word processing system, and thus complies with the relevant type-volume limitations.

Further, this document complies with the typeface and type-style requirements of the Federal Rules of Appellate Procedure 32(a)(5) and (a)(6) because this document has been prepared in a proportionally spaced typeface using **Microsoft Word for Microsoft 365** using **size 14 Times New Roman** font.

Dated: March 14, 2025

/s/ Adrienne Y. Lee  
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